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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/818,158	03/14/1997	GREGORY P. ANDREWS	RO996-141	9157
26517	7590	11/03/2006	EXAMINER	
WOOD, HERRON & EVANS, L.L.P. (IBM)			VU, THONG H	
2700 CAREW TOWER			ART UNIT	PAPER NUMBER
441 VINE STREET				2142
CINCINNATI, OH 45202				

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/818,158	ANDREWS ET AL.	
	Examiner	Art Unit	
	Thong H. Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 38-62 and 65-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 38-62 and 65-75 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

1. Claims 38-62,65-75 are pending. Claims 1-37,63-64 are cancelled.

Response to Arguments

2. Applicant's arguments, see page 12, filed 6/24/05, with respect to have been fully considered and are persuasive such as "dynamically prompt a user to select components". Therefore, the rejection has been withdrawn.

However Examiner found the feature "dynamically prompt" (only exist in claims 38 and 61) was a well-known in the art [see Daniels (paper#21 filed 9/25/2001), Sidikman, Nielsen, Best, Martino'676 taught automatically prompt; and Kisor (paper #12 filed 2/20/2000), Hawkins taught automatic activity = prompting].

It was clearly that the program provides dynamically prompting information to a user is not a patentable feature as applicant argued. Upon further consideration, a new ground(s) of rejection is made in view of Bobo II-Daniels.

Daniels reference has been introduced to the record [paper #21, 9/25/2001]. Thus the Final rejection is appropriate.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 73-75 are rejected under 35 U.S.C. 102(e) as being anticipated by Bobo II [Bobo 5,675,507].

3. As per claim 73 Bobo discloses An apparatus comprising:

at least one processor; a memory coupled to the at least one processor [Bobo, a process and memory, col 16 lines 47-55]; and

a web browser application residing in the memory, said web browser application including a component download selection mechanism [Bob, browser, col 7 lines 25-35], said component download selection mechanism dynamically creating a component download selection list when an HTML document with a plurality of components is downloaded [Bobo, generating HTML file with a list, col 8 lines 8-20], said component download selection mechanism prompting a user to select which of said plurality of components to download [Bobo, download, col 8 lines 60-65; prompt user with options 238, Fig 11].

4. As per claim 74 Bobo discloses A method for downloading HTML document from a web server to a web browser, the document including a document with references to a plurality of embedded components, the method comprising the steps of:

- a) requesting said HTML document from said web server [Bobo, HTML file and server, col 9 lines 46-56];
- b) parsing said HTML document for references to said plurality of embedded components [Bobo, HTML file with embedded images, col 10 lines1-14];

c) prompting a user to select which of said plurality of embedded components to download by displaying a component download selection list on said web browser [Bobo, prompt user with options 238, Fig 11; download, col 8 lines 60-65] and

d) requesting from said web server said selected embedded components [Bobo, HTML file with embedded images, col 10 line s1-14].

5. As per claim 75 Bobo discloses An apparatus comprising:
 - at least one processor, a memory coupled to the at least one processor [Bobo, a process and memory, col 16 lines 47-55]; and
 - a computer program residing in the memory, said computer program commencing to download a file referencing a plurality of components [Bobo, HTML file with embedded images, col 10 lines1-14], said computer program dynamically prompting a user to select which of said plurality of components to download [Bobo, prompt user with options 238, Fig 11], wherein the computer program is further configured to receive user input that selects at least one of the plurality of components , to commence to download at least one selected component from the plurality of components [Bobo, prompt user with options 238, Fig 11; download, col 8 lines 60-65], and to display the file with the selected component embedded therein [Bobo, display and select, col 14 lines 59-67].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-47,50-57,60-62,65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobo II [Bobo 5,675,507] in view of Daniels et al [Daniels 5,758,126].

6. As per claim 38, Bobo discloses an apparatus comprising:

at least one processor; a memory coupled to the at least one processor [Bobo, a computer 28,32 with process and memory, col 6 lines 33-43, Fig 1]; and
a computer program residing in the memory (i.e.: browser), said computer program commencing to download a file referencing a plurality of components (i.e.: a list of message), said computer program (**dynamically**) prompting a user to select which of said plurality of components to download [Bobo, Web browser, col 7 lines 25-37; user selects a message from a list and download, col 8 line 53-col 9 line 9; prompt user with option 238, Fig 11].

However Bobo does not explicitly detail **dynamically** prompting feature.

It was well-known in the art that the software prompting a response as an automatic or predetermined condition was met as taught by Daniels [the client is automatically prompted to generate an advance ship notice, col 13 lines 9-50]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to take advantage of the program prompting or automatically

prompting as taught by Daniels into the Bobo's apparatus in order to speed up the response capabilities of computer system.

Doing so would save time and provide the efficiency to access the information via Internet.

7. As per claim 39, Bobo-Daniels disclose said computer program comprises a web browser application [Bobo, browser, col 7 lines 25-35].

8. As per claim 40, Bobo-Daniels disclose said file comprises a hypertext markup language (HTML) document [Bobo, HTML, col 7 lines 1-12].

9. As per claim 41, Bobo-Daniels disclose said computer program includes a component download selection mechanism (i.e.: display a list for user select and download), said component download selection mechanism dynamically creating a component download selection list when said file with said plurality of components is downloaded [Bobo, generate the HTML file for newly received message according to the user's preferences, user preview an image of message before downloaded from MSDS, col 8 line 40-col 9 line 9].

10. As per claim 42, Bobo-Daniels disclose a web browser and wherein said component download selection list is formed in a second pane of said web browser and displayed with said file [Bobo, Web browser, col 7 lines 25-37].

11. As per claim 43, Bobo-Daniels disclose said component download selection list is formed in a dialog box [Bobo, prompt for the password, col 14 lines 31-40].
12. As per claim 44, Bobo-Daniels disclose the component download list is inserted (i.e.: embedded) into said file and displayed to a user with said file [Bobo, embedded, col 10 lines 46-65].
13. As per claim 45, Bobo-Daniels disclose said component download selection list contains the file name for each of said plurality of components [Bobo, filename, col 11 lines 32-55].
14. As per claim 46, Bobo-Daniels disclose said component download selection list contains the type for each said plurality of components [Bobo, types of messages, col 8 lines 21-30].
15. As per claim 47, Bobo-Daniels disclose said component download selection list contains the size of each said plurality of components [Bobo, reduce size, full size, col 9 lines 17-30; 58-65].
16. Claim 50 contains the identical limitations set forth of apparatus claim 38. Therefore, claim 50 is rejected for the similar rationale set forth in claim 38.

17. Claims 51-57 contain the identical limitations set forth of apparatus claims 40-47.

Therefore, claims 51-57 are rejected for the similar rationale set forth in claims 40-47.

18. As per claim 61, Bobo-Daniels disclose a program product comprising:

(A) a computer program, said computer program commencing to download a file referencing a plurality of components, said computer program dynamically prompting a user to select which of said plurality of components to download [Bobo, Web browser, col 7 lines 25-37; user selects a message from a list and download, col 8 line 53-col 9 line 9; prompt user with options 238, Fig 11]; and

(B) a computer readable medium upon which said download selection mechanism is tangibly embodied [Daniels, computer readable, col 1 lines 59].

19. Claims 62,65-70 contain the identical limitations set forth of apparatus claims 39-41,43-47. Therefore, claims 62,65-70 are rejected for the similar rationale set forth in claims 39-41,43-47.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

20. Claims 48-49,58-59,71-72 are rejected under 35 U.S.C. § 103 as being unpatentable over Bobo II [Bobo 5,675,507] in view of Klug et al [Klug, 5,996,007].

21. As per claim 48, Bobo-Daniels disclose said component download selection list [Bobo, Web browser, col 7 lines 25-37; user selects a message from a list and download, col 8 line 53-col 9 line 9].

However Bobo does not detail the list includes a **status item**, said status item dynamically displaying the amount of each of said plurality of components that has been downloaded.

It was well-known in the art that the status of downloaded component was displayed to provide the user a current status of download processing. A skilled artisan would have motivation to improve the download process of Bobo's apparatus and found the Klug teaching in the prior art. Klug discloses a method for providing selected content during waiting time of an Internet session including indicating the status or percentage of the file size being downloaded [Klug, percentage being downloaded, col 6 lines 5-20]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the status information of the component or item as taught by Klug into the Bobo's apparatus in order to utilize the option menu. Doing so would provide the user more information to make a decision over the selection from the list.

22. As per claim 49, Bobo-Daniels-Klug disclose said status item includes the percentage of a component downloaded [Klug, percentage being downloaded, col 6 lines 5-20].

23. Claims 58-59,71-72 contain the identical limitations set forth of apparatus claims 48-49. Therefore, claims 58-59,71-72 are rejected for the similar rationale set forth in claims 48-49.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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